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Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities
Seventeenth session

Summary record (partial)* of the 308th meeting**
Held at the Palais des Nations, Geneva, on Monday, 27 March 2017, at 3 p.m.

Chair: Ms. Degener

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* No summary record was prepared for the rest of the meeting.
** No summary record was issued for the 307th meeting.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by parties to the Convention under article 35 (*continued*)

Initial report of Bosnia and Herzegovina (CRPD/C/BIH/1; CRPD/C/BIH/Q/1)

1. *At the invitation of the Chair, the delegation of Bosnia and Herzegovina took places at the Committee table.*

2. **Ms. Duderija** (Bosnia and Herzegovina), introducing her country's initial report (CRPD/C/BIH/1), said that the Government had ratified the Convention and the Optional Protocol in 2010 and had since been working to implement those instruments. The report had been prepared by the Ministry for Human Rights and Refugees in cooperation with non-governmental organizations (NGOs) and representatives of the Council of Persons with Disabilities of Bosnia and Herzegovina. As part of the drafting process, a questionnaire had been sent to all relevant institutions and the draft report had been drawn up on the basis of the responses and statistical information provided and the comments received in consultations.

3. Both the report and the replies to the list of issues submitted in March 2017 described the progress that the State had made in relation to the rights of persons with disabilities, including the adoption of new strategies by its two constituent entities, the Federation of Bosnia and Herzegovina and the Republika Srpska. The Prohibition of Discrimination Act had been amended and harmonized with European standards, while the Free Legal Assistance Act had been adopted at the national level and had begun to be implemented. The Republika Srpska had passed a new law on social protection, while the Federation was still working towards that goal.

4. The Ministry for Human Rights and Refugees and the Ministry of Civil Affairs provided support for the Council of Persons with Disabilities, which worked for the rights of persons with disabilities, the harmonization of legislation and the consistent implementation of the Convention. In 2016, the Ministry for Human Rights and Refugees had allocated 40,000 marka to support organizations of persons with disabilities and it planned to maintain that funding in the coming years.

5. The Republika Srpska supported various activities carried out by organizations of persons with disabilities and social welfare institutions, while, in the Federation, the Ministry of Health contributed to the capacity-building of associations of users of mental health services and the Ministry of Labour and Social Policy financed the work of 15 registered alliances of organizations of persons with disabilities. The Federal Ministry of Education and Science implemented several programmes to eliminate discrimination and prejudice against persons with disabilities and to promote peer support.

6. Data had been provided on the number of persons with disabilities in Bosnia and Herzegovina, which could be used to study the socioeconomic and demographic characteristics of that population and to develop strategic planning and policymaking. The war of the 1990s had left many people disabled, with consequences for family members that meant that much of the country's population was affected. However, all levels of government were committed to improving the position of persons with disabilities and to ensuring their inclusion in all spheres of life.

7. **Mr. Lovászy** (Country Rapporteur) said that he regretted that the Committee had not received the replies to the list of issues by the official deadline, although he welcomed the contribution by the organizations of persons with disabilities, which had done excellent work with very limited resources. Nevertheless, he believed that the State party was sincere in its commitment to human rights, which it had demonstrated by ratifying several United Nations treaties, including the Optional Protocol. He also recognized that the unique constitutional arrangements of the State party presented some difficulties in terms of coordination, although that did not exempt it from its responsibilities under international law and in respect of the implementation of the Convention.

8. He believed that there were two priorities for legislation in the near future: firstly, the involvement of as many organizations of persons with disabilities as possible in

improving the implementation of the Convention, and, secondly, the adoption of specific measures or incentives that would contribute effectively to inclusive education, to an adequate minimum social security scheme and to comprehensive data collection.

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9. **Mr. Kabue** said that he was gratified to learn that the Council of Persons with Disabilities included members with disabilities; he would be grateful for an explanation of how those persons were appointed. He also wished to learn what steps the State party had taken to facilitate awareness-raising activities by civil society organizations, since it had acknowledged that responsibility for such efforts mainly rested with those organizations. The State party had also reported that physical barriers to access continued to exist, so it would be helpful if the delegation could update the Committee on efforts undertaken to eliminate those barriers since the submission of the report.

10. **Mr. Basharu** said that the delegation should describe the measures taken, if any, to unify the legal definitions of disability in Bosnia and Herzegovina on the basis of a human rights approach. He also wished to know how the State party ensured the full participation of women with disabilities in society, including by consulting them and their representative organizations on issues affecting them, and what measures had been taken to combat multiple and intersectional discrimination against women and girls with disabilities. The delegation should say whether children with disabilities participated on an equal footing in the Council for Children of Bosnia and Herzegovina and whether mechanisms were in place to ensure that their voices were heard and their contributions given full weight. More details should be provided of measures to raise awareness about disability and the potential of persons with disabilities, particularly as concerned the role of the media in creating a positive image of persons with disabilities and in combating stereotypes and myths.

11. **Mr. Tatić** said that he was interested in how citizens with disabilities whose rights had been violated usually sought redress in the courts. Did they invoke the Convention or was it more common for them to invoke national legislation? The Committee would be grateful for clarification of how anti-discrimination laws were implemented in practice and for updated figures on complaints of disability-based discrimination submitted to courts at various levels. It would also be helpful to know the number of complaints made to the Office of the Human Rights Ombudsman, and their outcomes, including any sanctions imposed on individuals and entities found to have discriminated against persons with disabilities or to have disregarded the Ombudsman's recommendations.

12. He wondered whether dedicated telephone hotlines were available for women and girls with disabilities who had been exposed to violence and whether they could be used by deaf women and girls. The delegation should also indicate whether safe houses for women and girls were accessible for whee'chair users and whether specialized training was provided to the counsellors of women and girls with disabilities, including intellectual disabilities, who had been exposed to violence.

13. The delegation should clarify how accessibility standards were enforced and whether sanctions were imposed for non-compliance. Considering the importance of universal design for an inclusive society, it would be useful to know whether universities included it in the training of future architects, engineers and designers and, if so, whether the training was optional or compulsory. Lastly, updated information should be provided concerning the removal of physical barriers for wheelchair users and the accessibility of public transport and the built environment in Banja Luka, Sarajevo and Tuzla.

14. **Mr. Chaker** said that he wished to know whether any gender equality policies or actions were planned for women and girls with disabilities and what measures the State was taking to ensure consultation with their respective organizations. He would welcome a comment on reports that some families did not consider the education of women and girls with disabilities to be a good investment and information on the number of such women who had not completed their secondary education or whose rights had been violated through the denial of education, particularly among minority ethnic groups in certain areas. It was also important that the Government should work to eliminate the distinction between war veterans with disabilities and other persons with disabilities.

15. **Mr. You** Liang said that he was curious to know whether organizations of persons with disabilities had been able to participate in the entire process of drafting the report and, if not, to what extent they had been involved. He asked how the Government ensured that the national strategy was implemented to the same standard at the local level and how it prevented private companies from violating the rights of persons with disabilities.

16. **Mr. Martin** said that he would welcome information on publicity and media campaigns to raise public awareness about the rights of persons with disabilities and on how many people such campaigns had reached. He also wished to know whether awareness-raising initiatives were aligned with the Convention and how many parliamentarians and government officials had been trained in the Convention.

17. **Mr. Rukhledev** said that the State party should be aware of the need to fully implement article 4 of the Convention. He wished to know what status sign language enjoyed in Bosnia and Herzegovina, whether there was a State programme to train sign language interpreters and how many such interpreters there were in the country. It would also be interesting to know how much public assistance there was to enable persons with disabilities to gain access to the Internet.

18. **Mr. Parra Dussan** asked whether persons who had acquired a disability during the Bosnian War were treated differently from other persons with disabilities. In addition, he would welcome a comment on the State party's approach to non-discrimination, including as it related to combat veterans with disabilities and others. Were there penalties for discrimination?

19. **Mr. Ishikawa** asked whether there were guidelines or legislation on providing accessible public information on television through closed captioning, sign language, audio description or other means.

20. **Mr. Babu** said that he wished to know whether the State party had an independent body to monitor the incorporation of the Convention into the domestic legal order. He asked to what extent the State party helped organizations of persons with disabilities build capacity and how many such organizations were registered with the authorities.

21. **Mr. Kim** Hyung Shik said that he would appreciate an indication of the extent to which the State party was prioritizing disability issues. He wondered whether the Government had a strategy for dealing with the economic challenges that it faced and bringing its legislation into line with the Convention.

22. The delegation should clarify what was meant by the exceptions, referred to in paragraph 33 of the State party's report, to the principle of equal treatment. In addition, it would be interesting to know whether any mechanisms had been put in place to ensure enforcement of the Prohibition of Discrimination Act. Information on the measures that had been taken to involve organizations of persons with disabilities in the preparation of the State party's report and the development of strategies to implement the Convention would be welcome, as would an indication of the amount of public funds received by such organizations. In connection with article 1, he asked what plans the State party had made to adopt a definition of disability in line with that of the Convention and a human rights-based approach to disability issues.

23. **Mr. Ahaif** asked whether the 10 members of the Council of Persons with Disabilities of Bosnia and Herzegovina who represented civil society organizations were themselves persons with disabilities. He wished to know what campaigns to raise awareness of the rights of persons with disabilities had been launched and how many people they had reached. In addition, he wondered whether persons with disabilities in the State party had access to a version of the Convention in sign language. He would welcome an indication of whether public information was made accessible to persons with disabilities on television or through other means.

24. **Mr. Buntan** said that he wished to know what strategy the State party, which appeared to have an unusually complex governing structure, had developed to bring its laws, policies and practices into line with the Convention. He asked how the authorities responded to the possible grievances of persons with disabilities who were neither veterans who had acquired their disability in combat nor non-combatant victims of war, two

categories of persons with disabilities who were evidently entitled to special privileges. In addition, he asked whether measures were taken during the process of public procurement to encourage improvements in the accessibility situation throughout the country.

25. **Mr. Lovászy** asked whether representatives of persons with disabilities, in particular persons who were deaf or hard of hearing, children with disabilities and persons with psychosocial disabilities, had participated in consultations on disability-related strategies since the ratification of the Convention. He wondered how the State party ensured that organizations of persons with disabilities operated as effectively in one canton of the country as they did in another, how it protected persons with disabilities from discrimination and what remedies were available to such persons when they were victims of discrimination.

26. He would welcome information about the accessibility obligations relevant to disabilities other than physical ones and about the steps that had been taken to enforce accessibility-related legal provisions more effectively. In that connection, he wondered whether any plans had been made to create a fully barrier-free environment and whether there was a legal protocol for requesting assistive devices or the publication of written material in easy-to-read or other accessible formats.

27. **The Chair** asked whether denial of reasonable accommodation was considered discrimination on grounds of disability under the newly adopted Prohibition of Discrimination Act and whether the Act covered multiple and intersectional forms of discrimination. In addition, she wondered whether the State party had any programmes to promote the empowerment of women and girls with disabilities.

The meeting was suspended at 4 p.m. and resumed at 4.15 p.m.

28. **Ms. Duderija** (Bosnia and Herzegovina) said that the complex governing structure of Bosnia and Herzegovina meant that there were different levels of protection for the rights of persons with disabilities and made it difficult to harmonize laws at all levels of government. Nonetheless, the Convention had been an integral part of the legal system of Bosnia and Herzegovina since its ratification and, together with the Constitution, it formed the legal basis for the protection of the rights of persons with disabilities. The Ministry for Human Rights and Refugees of Bosnia and Herzegovina was one of the ministries responsible for monitoring the implementation of the Convention, collecting data and coordinating the work of a large number of institutions at all levels of the State.

29. Representatives of a number of relevant institutions had been involved in the preparation of the country's initial report, as had persons with disabilities and their representative organizations, through public consultations, for example. Although sign language had not been used for those consultations, the authorities had released an advance copy of the report and called for comments on it.

30. Turning to the topic of awareness-raising, she said that the Government undertook relevant initiatives that coincided with such events as the International Day of Persons with Disabilities and Human Rights Day, both celebrated in December. The country's broadcast media helped publicize those initiatives. There was relatively little television and radio programming accessible to all persons with disabilities, although some efforts were being made in that regard.

31. Since 2016, the Ministry for Human Rights and Refugees had allocated funds to help civil society organizations launch projects related to the rights of persons with disabilities. It was hoped that similar allocations would be made in the years to come and that institutions from other levels of government would follow the Ministry's lead.

32. The Office of the Human Rights Ombudsman had an obligation to prepare special reports on persons with disabilities and on the work of the institutions where they received care and to make recommendations. A parliamentary commission reviewed and adopted those recommendations, which it forwarded to the institutions that had not acted on the Ombudsman's recommendations, but no sanctions were imposed on such institutions.

33. Under the Prohibition of Discrimination Act, persons with disabilities could bring discrimination lawsuits and, when a bill that was currently being discussed became law, an

organization would be able to initiate a lawsuit on behalf of an individual or group of individuals. Legal aid, which was available to persons with disabilities, was provided at the level of the two entities — the Republika Srpska and the Federation of Bosnia and Herzegovina — that made up the country.

34. Access to the Internet for persons with disabilities, which was not currently adequate, had not yet been regulated in Bosnia and Herzegovina. In 2016, however, on the initiative of the country's telecommunications regulator, it had been decided that all government institutions should make the contents of their websites accessible to persons with disabilities.

35. **Mr. Terko** (Bosnia and Herzegovina) said that in 2008 Bosnia and Herzegovina had gone some way towards protecting the rights of persons with disabilities by adopting a policy of taking a more harmonized approach to disability issues. The policy, which had been adopted before the country had ratified the Convention, had been a major step forward. In their efforts to develop disability-related strategies, the country's institutions had also been guided by the Council of Europe Action Plan to promote the rights and full participation of people with disabilities in society: improving the quality of life of people with disabilities in Europe 2006-2015.

36. **Ms. Borovčanin Marić** (Bosnia and Herzegovina) said that a decision of the Ministry for Human Rights and Refugees, which was responsible for reporting on the country's efforts to implement the Convention, had paved the way for the establishment in 2011 of the Council of Persons with Disabilities of Bosnia and Herzegovina, a 20-person advisory body whose members included 10 representatives of the Government and 10 representatives of civil society. The Ministry helped the Council raise awareness of the Convention. As a result of the Council's work, which included a focus on preventing discrimination against persons with disabilities and their families, improvements had been made to disability strategies at all levels of government in Bosnia and Herzegovina. The Council had also contributed to the preparation of the country's initial report.

37. **Ms. Duderija** (Bosnia and Herzegovina) said that the Council made recommendations on priority actions to further the advancement of persons with disabilities. The recommendations were forwarded for action to authorities throughout the country.

38. **Mr. Dobraš** (Council of Persons with Disabilities, Bosnia and Herzegovina) said that the 10 civil society members of the Council represented organizations of persons with disabilities in the Federation, the Republika Srpska and Brčko District and were appointed in keeping with a rule that different types of disability must be represented. Appointments were made by umbrella organizations representing the largest number of local associations and the largest number of persons with disabilities within the entities, the representatives having already been selected by their particular groups. The Council believed that it was important to respect the choice of those associations and on principle did not exercise any veto over the appointment of representatives. The Council's structure meant that very few organizations of persons with disabilities in Bosnia and Herzegovina had not been involved in its activities in some way.

39. **Ms. Duderija** (Bosnia and Herzegovina) said that the Council, which was currently in its second term, aimed to ensure a fair and comprehensive representation of as many persons with disabilities as possible.

40. **Ms. Palić** (Bosnia and Herzegovina), speaking with reference to the Federation of Bosnia and Herzegovina, said that, during the reporting period, the Strategy for Equalization of Opportunities for Persons with Disabilities 2011-2015 had been implemented through campaigns, promotional activities and events to mark significant dates. Governmental institutions and civil society organizations, especially organizations of persons with disabilities, had come together to present and promote the rights of persons with disabilities. The Ministry of Labour and Social Policy had supported action plans for the implementation of the Strategy in the 10 cantons of the Federation and as a result of that work had established local partnerships through which to develop a new strategy. Public campaigns had been designed to attract the widest possible public attention, using billboards to disseminate information about persons with disabilities and to promote equal rights for all. In December 2016, the Government of the Federation had adopted a new

strategy to advance the position of persons with disabilities for the period 2016-2021, which planned to raise public awareness on disability rights and to remove cultural and psychological biases. The new strategy also focused on vulnerable women and girls and children with disabilities, who suffered from multiple discrimination. Campaigns would be carried out to educate persons with disabilities about the exercise of their rights and to raise awareness among women with disabilities so that they were able to report violence and seek assistance with the protection of their rights.

41. The Federation recognized the importance of supporting organizations that worked to advance the position of women and girls with disabilities and saw them as crucial partners for future policy development. Financial support and cooperation were also provided for organizations that worked to promote and protect the rights of children with disabilities.

42. **Ms. Đuderija** (Bosnia and Herzegovina) said that safe houses were available to protect women and girls, including those with disabilities, from violence. Like other countries with economic problems, Bosnia and Herzegovina did not have the resources to ensure adequate protection, but it did have programmes to combat violence, trafficking, forced begging and other forms of economic exploitation, which were of great help to vulnerable groups and minorities such as the Roma. The Gender Action Plan had received the support of several international organizations, which also had their own, separately funded programmes for the protection of women and girls with disabilities. The State had encountered difficulties in implementing a comprehensive approach, since that required greater levels of acceptance, involvement and interest from persons with disabilities themselves. By the same token, it had also struggled to find implementing partners for programmes.

43. **Mr. Jonjić** (Bosnia and Herzegovina) said that the authorities were aware that a problem of disability-related discrimination had arisen from the fact that the scope of rights depended on whether the persons with disabilities were veterans of war, civilian victims of war or had a disability that was not war-related. In the past, they had been reluctant to confront the veterans' organizations, who remained staunchly opposed to any dialogue concerning a potential solution, but in 2014 the Ministry of Labour and Social Policy had proposed a new law on common principles and the idea that all persons with disabilities should enjoy equal rights both in scope and in terms of the financial support received. Any reductions in the financial support granted to veterans or civilian victims of war would be compensated through separate supplements based on other rights, not on the disability of the person concerned. If adopted, the draft law would oblige the Government to gradually harmonize legislation with the principles of the Convention and enable it to overcome discrimination based on the origin of the disability and to minimize disruption to the communities concerned.

44. Similarly, the only competent authority in the Federation to assess disability, the Medical Forensic Institute, had adopted a common set of rules that would subsequently be published in the Official Gazette. As those rules came into force, all persons with disabilities would be assessed under the same criteria, regardless of how they had incurred their disability. The discontinuance of the less rigorous criteria that had been used to assess the disabilities of war veterans would eliminate another form of discrimination.

45. Regarding the financing of organizations of persons with disabilities, the Federation had a real budget of approximately 1.5 billion marka, of which 750 million marka were earmarked for different projects and transfers that financed the rights of persons with disabilities. Of that figure about 600 million marka ultimately went to war veterans, with the rest distributed among civilian victims of war and persons with non-war-related disabilities. The Government recognized that the disparity was discriminatory and aimed to overcome the problem through the draft law on common principles. Fifteen alliances of organizations of persons with disabilities received annual funding, but that funding had decreased in the previous two years. To restore it to its former levels and to resolve a number of systemic problems, the Ministry of Labour and Social Policy was working with the organizations to develop regulations that would ensure equal representation and financing, which it hoped to adopt by the end of 2017.

46. The laws governing education, health and social protection each contained different definitions of disability, with resulting overlaps between cases and considerable discrepancies in the financial support provided to different groups. Moreover, in the past the authorities had followed the inefficient practice of referring all disability-related issues to the Ministry of Labour and Social Policy. The implementation of the Strategy for Equalization of Opportunities for Persons with Disabilities had led to some improvements, with several ministries taking charge of programmes to address the specific problems of persons with disabilities within their area of competence. The Government had recognized that those problems concerned society as a whole and that persons with disabilities should be able to enjoy access to services on an equal footing.

47. **Mr. Kličković** (Bosnia and Herzegovina), speaking with reference to the Republika Srpska, said that the Social Protection Act had been amended to bring the definition of disability into line with that set forth in the Convention. The Ministry of Health and Social Policy planned to incorporate that definition into other laws, not only in the sphere of social welfare but also in areas such as pensions and employment. The Ministry had also coordinated with non-governmental organizations (NGOs) in the preparation of the Strategy for Improvement of the Position of Persons with Disabilities for the period 2016-2026 and had submitted it to the National Assembly of the Republika Srpska.

48. Concerning the financial challenges faced by organizations of persons with disabilities, the authorities had granted public interest status to some that were funded from the State budget.

49. The causes of disability were currently the subject of disagreement between organizations of persons with war-related and non-war-related disabilities, respectively. The issue would be re-examined and addressed during the implementation of the new Strategy and campaigns would be mounted to raise awareness of the need to equalize disability rights, regardless of how and when disabilities had been incurred.

50. The Strategy also aimed to safeguard the rights of women, girls and children by such means as the provision of accommodation in safe houses and telephone hotlines for the reporting of violations.

51. **Ms. Bešlija** (Council of Persons with Disabilities, Bosnia and Herzegovina) said that both the Federation and the Republika Srpska had harmonized their legislation on physical accessibility with European standards. However, the Council of Persons with Disabilities did not consider that adequate progress had yet been made in that regard. It was still not possible to move around urban centres or to gain access to institutions or facilities without assistance. Public transport was adapted to the needs of persons with disabilities only in larger towns and to a limited extent; the general situation was unsatisfactory. The State was, however, tackling the issue and it was likely that, with more effective inspections and cooperation with the entities and cantons, better results would be achieved in the future.

52. The Use of Sign Language Act had been amended and there had been an increase in the use of sign language in television programming. Sign language interpreters were available. The telecommunications regulator was working to improve access to the Internet and other information and communications technologies for people with visual impairments and reasonable progress had been made in that regard.

53. The Republic Srpska was better equipped than the Federation to train students in the application of accessibility standards in buildings and other facilities, in that it had a school of architecture that taught the subject, while, in the Federation, such training was available only at the postgraduate level. Through its activities and communications, the Council was aware that students were interested in the subject and was encouraging undergraduate institutions to introduce the training.

54. **Mr. Jonjić** (Bosnia and Herzegovina) said that the Office of the Human Rights Ombudsman was an effective institution. It had issued recommendations in three cases concerning violations of the rights of persons with disabilities. Two of the cases had been resolved, and efforts would be made to resolve the third, which concerned the living conditions of persons with disabilities in institutions, by arranging for care in the community for the persons concerned.

55. **Ms. Palić** (Bosnia and Herzegovina) said that, to ensure that strategies were implemented at lower levels, the Ministry of Labour and Social Policy provided funds for the implementation by the Federation's cantonal governments of the Strategy for Equalization of Opportunities for Persons with Disabilities in the Federation of Bosnia and Herzegovina and the development of other action plans. Organizations of persons with disabilities had had ample opportunity to recommend the areas that relevant action plans should focus on. Those organizations were thus key partners to the Ministry, the national Government and the cantonal governments.

56. Provision had been made for the establishment of an office to coordinate the efforts made at various levels of government to ensure equal opportunities for persons with disabilities. Although the office was not yet operational, a team composed of representatives of a number of ministries and organizations of persons with disabilities had been created. In the past, all disability matters had fallen within the purview of the Ministry of Labour and Social Policy, but other ministries and government agencies had since begun to deal with such matters, too.

57. **Ms. Đuderija** (Bosnia and Herzegovina) said that the Ministry for Human Rights and Refugees was developing an information system to improve monitoring of the implementation of the Convention. There were no official guidelines on the provision of televised information through sign language, closed captioning or other alternative methods of communication.

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58. **Mr. Alsaif** said that he would welcome information about the scope of reasonable and procedural accommodations during civil judicial procedures, including notary-assisted services. It would be interesting to know whether the accommodations were made throughout the country and, if not, why not. Information on the number and outcome of cases involving violations of article 17 would also be welcome.

59. **Mr. Chaker** asked whether the State party had done anything to ensure that a recurrence of catastrophic flooding, such as that which occurred in 2014, would not disproportionately affect persons with disabilities.

60. **Mr. Pyanaendee** asked whether the State party's policy of offering services and support to persons with disabilities in accordance with the cause of the disability — wounding in combat, for example — had ever been challenged in the courts and, if so, what the outcome had been. In addition, he wanted to know how persons with disabilities gained access to the justice system when they wished to contest decisions to commit them to institutions and whether they had access to any legal aid for that purpose. Lastly, he asked whether members of the judiciary, prosecutors and other judicial officials received training in the principles enshrined in the Convention.

61. **Mr. Kabue** said that the delegation should elaborate on the State party's procedures for the evacuation of persons with disabilities in situations of risk. It would be interesting to know, for example, how exactly the authorities determined which persons with disabilities should be the beneficiaries of the selective evacuations referred to in paragraph 70 of the State party's report.

62. He wished to know how the State party reconciled its ratification of the Convention with the domestic laws that, in breach of the Convention, allowed the courts to deprive persons with disabilities of legal capacity. In that connection, he wondered whether any steps had been taken to bring legal practice in the country into line with the Convention. With regard to access to justice, he would welcome examples of cases in which persons with disabilities whose rights had been violated had received legal aid from the network of organizations mentioned in paragraph 84 of the State party's report and what form that aid had taken.

63. **Mr. Martin**, noting that self-advocacy was important for persons with intellectual disabilities, asked whether such persons were represented on the Council of Persons with Disabilities. He wondered when and how the State party intended to put article 12 into action, including by removing guardianship laws and making supported decision-making a

reality. In that connection, he wished to know how long a person could remain under guardianship and be considered legally incapacitated.

64. He would welcome information on the current state of deinstitutionalization efforts. He wished to know, for example, how many people had left institutions for the community since 2014, how long it would take to ensure that all persons with disabilities had the right to live in the community, as provided for in article 19, and what exactly was meant by the reference in paragraph 102 of the State party's report to reforms moving towards deinstitutionalization and the transformation of existing institutions.

65. **Mr. Tatić** asked whether the premises of the Office of the Human Rights Ombudsman in Banja Luka and Sarajevo had been made accessible to wheelchair users since his visit to those two cities years earlier. Information on the accessibility of the courts would also be welcome.

66. He wondered how many certified sign language interpreters provided interpretation services for deaf persons involved in criminal, civil and administrative proceedings. Information on the number of judicial and other cases in which such interpretation services were provided would be especially welcome.

67. Regarding articles 19 and 20, he wished to know what specific services were available to persons with disabilities who needed assistance 24 hours a day, whether such persons were given facilities to hire personal assistants and whether resources — from lottery funds, for example — were allocated to ensure that persons with disabilities had the assistive devices that they needed. Were the persons who bought such devices reimbursed, in full or in part, for their purchases?

68. **Mr. Kim** Hyung Shik said that it would be interesting to learn about any specific changes that had been made to the State party's prisons to accommodate prisoners with disabilities. He asked how many persons with disabilities currently lived in institutions in Bosnia and Herzegovina and what strategies the Government had developed to move away from institutionalization. In connection with support for living independently, he wished to know how far budgets for personal assistants stretched. In other words, for how many hours a day, on average, could assistants help persons with disabilities?

69. **Mr. Ruškus** said that he would welcome further information on residential institutions for persons with disabilities in the State party. That information should include the number and type of such institutions and statistical data, broken down by age, sex and type of disability, on the institutionalized population. Information on the measures taken by the authorities to protect persons with disabilities living in institutions from all forms of exploitation and abuse, including gender-based violence, should also be provided.

70. He asked whether additional opportunities to live independently and be included in the community were being given to persons with disabilities and how their preferences were taken into account when they were offered such opportunities. It would also be interesting to know whether organizations of persons with disabilities participated in the deinstitutionalization process by, for example, providing community-based services.

71. **Mr. Basharu** asked what measures had been taken to facilitate the acquisition of mobility aids and assistive devices for persons with disabilities, especially blind persons and persons with visual impairments, and whether they were entitled to import assistive devices or mobility aids for their personal use free of duty.

72. **Mr. You** Liang asked whether the State party had any plans to repeal legal provisions contrary to the Convention, reduce the number of persons subjected to total deprivation of legal capacity and move towards a system of supported decision-making. He would welcome an indication of the measures that had been taken to prevent the exploitation and abuse of persons with disabilities, in particular women and children and persons living in institutions. Lastly, he wished to know in what circumstances it was legally possible to subject persons with disabilities to medical procedures without their consent.

73. **Mr. Parra Dussan** asked what steps were taken to ensure that persons with disabilities, in particular visual or hearing impairments, had access to justice. It would be

interesting to know whether there were any guidelines or protocols on the use of sign language or Braille in the justice system. It would also be interesting to know whether, in view of the wars of the 1990s, Bosnia and Herzegovina had had any experience with transitional justice and, if so, whether persons with disabilities had been involved in the process.

74. **Mr. Buntan** said that he would appreciate an answer to his earlier question about whether the public procurement process was used to improve accessibility in the country. In connection with the organizations that partnered with the cantonal governments, he wondered whether a distinction was made between organizations in which most decisions were made by persons with disabilities and those that were simply providers of services to persons with disabilities.

75. Turning to article 11, he wondered whether the State party had developed a comprehensive plan for disaster risk reduction that was compatible with the Sendai Framework for Disaster Risk Reduction. In addition, he wished to know what measures had been taken to ensure that the emergency telephone line was accessible to deaf and deaf-blind persons. Regarding article 13, he asked whether persons with disabilities were allowed to work as lawyers, judges, prosecutors and the like. Lastly, he asked whether refugees with disabilities living in Bosnia and Herzegovina were entitled to support services on an equal basis with the State party's nationals.

76. **Mr. Lovászy** said that he wished to know whether the State party had telephone hotlines accessible to persons with disabilities and whether health-care institutions had taken measures to meet the needs of such persons, in particular in emergencies. He would welcome a full explanation of what deprivation of legal capacity involved, an indication of the number of people in the State party who had been deprived of such capacity and a comment on whether the State party considered depriving a person with a disability of his or her legal capacity not to be a breach of the Convention. Did a single medical opinion really suffice to deprive a person of his or her legal capacity?

77. He said that it would be interesting to know who bore the cost of any accessibility services that persons with disabilities were provided with to enable them to avail themselves of free legal aid. It would also be interesting to know whether persons with disabilities could be subjected to coercive measures during psychological or medical assessments undertaken to determine whether they should be charged with a crime. Lastly, he wished to know whether the laws on independent living by persons with disabilities were interpreted arbitrarily by local officials and whether there was a national budget to help persons with disabilities live independently.

The discussion covered in the summary record ended at 5.55 p.m.